

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

Plaintiff,

**-vs-**

**Case No. 16-C-403  
(Criminal Case No. 08-CR-134)**

**DERRICK GLEN POWE,**

Movant.

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**ORDER**

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Pending before this Court is Movant Derrick Glen Powe's motion pursuant to 28 U.S.C. § 2255.<sup>1</sup> Powe contends that the ruling in *Johnson v. United States*, 135 S. Ct. 2551 (2015), establishes that the residual clause in U.S.S.G. § 4B1.2 is void for vagueness. That issue is awaiting decision by the Court of Appeals, see *Dawkins v. United States*, 809 F.3d 953, 954 (7th Cir. 2016) (noting that the issue is pending in *United States v. Rollins*, No. 13-1731, and the consolidated cases of *United States v. Hurlburt*, No. 14-3611 and *United States v. Gillespie*, No. 15-1686). Based on the foregoing, the Court stays the resolution of this action until *Rollins* is decided.

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<sup>1</sup> Powe has received permission to file a successive petition. See *Powe v United States*, No. 15-3895 (7th Cir. Jan. 19, 2016).

**SO ORDERED** at Milwaukee, Wisconsin, this 21st day of April,  
2016.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**